

Amendment No. 2 to HB2797

Coleman
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3179

House Bill No. 2797*

By deleting subdivision (2)(C) of the amendatory language of SECTION 3 as amended and substituting instead the following:

(C) If the adult alleged to be in need of protective services is indigent, court costs and the cost of representation of such adult shall be borne by the state; otherwise such costs shall be borne by the adult. The state shall not be liable for the costs of counsel or court costs for the spouse of the adult; provided, however, if the court finds that the department or an agency acting under subdivision (7) has, without good cause, failed to serve a copy of the complaint on the lawful spouse of the adult, the court may assess attorneys fees for the spouse of the adult and court costs to the department or agency acting under subdivision (7) not to exceed a total of two thousand dollars (\$2,000.00). Provided, however, the court may exceed the two thousand dollar (\$2,000.00) limit upon making a specific finding of fact that the failure of the department or an agency to serve the complaint resulted in financial hardship upon the spouse or adult in excess of two thousand dollar (\$2,000.00) and that the interests of justice require that the limit be exceeded in the particular case.